

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:
TIMOTHY EMANUEL & LAUREN LEE
WACKER, Debtor(s).

CHAPTER 13
CASE NO. 10-40870-WSD
JUDGE WALTER SHAPERO

**TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to E.D. Mich. L.B.R. 3015-3(a) and 11 U.S.C. §1307(c)(5) as follows:

1. As of today, the Trustee has not received a true copy of the debtor's Payment Order, or an Electronic Transfer of Funds Payment Order, in contravention of E.D. Mich. L.B.R. 1007-1(c).

2. The Trustee objects to the debtors' omission of the Bankruptcy Petition Coversheet as it appears this document has not been filed with the Court.

3. The Trustee objects to the debtors' Plan payment contained in section I(a) of the Plan as it is missing the payment frequency. The Trustee requests that the debtors amend the Plan accordingly.

4. The spouse provided pre-petition pay stubs which indicates she earns approximately \$400.00 more a month than what has been disclosed on Schedule I. The Trustee requests that the debtor amend Schedules I and J and increase best effort accordingly.

5. The Trustee requests that the debtor provide copies of three (3) post-petition pay stubs at least fourteen days prior to confirmation.

6. The debtor's Plan fails to comply with E.D. Mich. L.B.R. 3015-1(a)(3) as the Plan fails to assume or reject the unexpired lease or executory contract with First National Capital Incorporated as disclosed on the debtor's Schedule G.

7. The debtor's Plan proposes that the debtor remit monthly automobile payments in the amount of \$305.00 to Citizens Bank for a 2003 trailer. The amount of such monthly payment, however, is not reasonably necessary for the debtor's maintenance and support as required by 11 U.S.C. 1325(b). See, In re Rogers, 65 B.R. 1018 (Bankr. E.D. Mich., 1986). Trustee requests that debtor(s) increase best effort by \$305.00 and the dividend to unsecured creditors accordingly.

8. The debtor's(s') Plan fails to provide that all of the debtor's(s') projected disposable income be utilized to fund the Plan. Specifically, the debtor's(s') Schedule J has overstated the following expense(s) in contravention of 11 U.S.C. 1325(a)(3) and/or 11 U.S.C. 1325(b):

- a. Electricity and/or heating fuel - \$400.00 a month.
- b. Telephone - \$200.00 a month.


- c. Transportation - \$400.00 a month.
- d. Charitable contributions - \$100.00 a month.
- e. Animal feed - \$225.00 a month.
- f. Educational Expenses for children - \$150.00 a month.

The Trustee requests that the debtor provide proof of these expenses at least fourteen (14) days prior to confirmation.

WHEREFORE, the Chapter 13 Trustee prays this Honorable Court deny confirmation of the debtor's (s') Chapter 13 Plan and dismiss this case pursuant to 11 U.S.C. §1307(c)(5).

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT
Tammy L. Terry, Chapter 13 Trustee

March 5, 2010

/S/ TAMMY L. TERRY (P-46254)
Chapter 13 Standing Trustee 
/s/ KIMBERLY SHORTER - SIEBERT (P-49608)
/s/ MARILYN R. SOMERS-KANTZER (P-52488)
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CERTIFICATE OF MAILING

I hereby certify that on March 9, 2010, a copy of **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** was electronically filed with the Clerk of Court, served electronically to the debtor's attorney and a copy of same deposited in the U. S. Mail to the debtor (s) at the address as it appears below.

/s/ Juatane E. Miller

For the Office of the Chapter 13 Trustee-Detroit
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